

### **REMARKS**

Claims 1-7 and 22-39 are all the claims pending in the application. Claim 1 has been amended and claims 23-39 have been added herein. Further, the title and abstract have also been amended to be consistent with the scope of the claimed invention. This Response, submitted in reply to the Office Action dated December 10, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

### **Preliminary Matters**

Claims 23-29, and 31-37, which have been added herein, recite the subject matter of claims 8-21, which were previously cancelled.

### **Claim Rejections**

#### **Claims 1 and 5-7**

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al (U.S. Patent 5,673,387; henceforth "Chen") in view of Adl-Tabatabai (U.S. Patent 6,170,083). Applicant respectfully traverses this rejection.

Claim 1 recites, in relevant part:

"A method using a computer system for collecting persistent code coverage data for a computer program, the computer program comprising program source code statements, the method comprising the steps of:

...dividing the program source code statements of said computer program into a plurality of code coverage tasks, each of the plurality of code coverage tasks comprising a plurality of basic blocks of code wherein one of the plurality of basic blocks of code comprises a set of consecutive non-control statements with a single entry point and a single exit point and wherein one of the plurality of basic blocks of code comprises a

control statement, which comprises a conditional statement, separate from the set of consecutive non-control statements,

**wherein any basic block of code which comprises a control statement does not comprise any non-control statements;...**

In other words, the program source code is divided into code blocks, which contain sets of consecutive statements, and code blocks, which contain control statements separate from any non-control statements. As discussed in the specification, separating control statements such as “if” statements from non-control statements, facilitates detection of source code changes that affect the associated block of code (i.e. a basic block which follows the control statement). *See* Paragraph [0051], lines 17-20. Further, Applicant **submits that though the specification indicates that alternative ways of dividing the program source code may be contemplated, none of the applied references teach the specific way claimed.** Further, the claimed method results in improved detection of source code changes, which affect the associated blocks of code and are thus not obvious..

Conversely, Adl-Tabatabai defines a basic block of code as “a set of instructions between branch instructions”. As would be apparent to a person of ordinary skill in the art, a “set of instructions between branch instructions [*i.e.* ‘if’ statements]” includes both control statements and non-control statements, within the same code block. Further, Adl-Tabatabai clearly shows in Fig. 6a basic code blocks including conditional, control statements in the same blocks as non-control statements. *See* Code Block A. Thus, Adl-Tabatabai does not teach dividing code into basic blocks of code **“wherein any basic block of code, which comprises a control statement, does not comprise any non-control statements”**. Therefore, Applicant respectfully submits

that claim 1 and all claims dependant thereon are patentable for at least this reason and respectfully requests that these rejections be withdrawn.

**Claims 2-4 and 22**

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Adl-Tabatabai in view of “Managing Data Through Naming Standards” by Winder, Software, IEEE, volum: 7, Issue: 4, July 1990 (Winder). Further, claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Chen in view of Adl-Tabatabai in view of Reinhardt (U.S. Patent 5,778,169). Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Adl-Tabatabai in view of Pastilha et al. (U.S. 5,678,044; henceforth “Pastilha”). Applicant respectfully traverses these rejections.

Claims 2-4 and 22 depend from claim 1, which has been shown above to be patentable over the Chen and Adl-Tabatabai references. The other references applied by the Examiner do not cure the deficiencies of the Chen and Adl-Tabatabai references. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency and respectfully requests that the rejection of these claims be withdrawn.

**Newly Added Claims**

Claims 23-29 and 31-37 have been added herein. As claim 23 and claim 31 recite features similar to claim 1, Applicant respectfully submits that claims 23 and 30 are patentable over the references cited by the Examiner for reasons analogous to those discussed above.

Further, Applicant also submits that claims 24-29 and 32-37 are patentable at least by virtue of their dependency and respectfully requests that these claims be allowed.

Claims 30, 38, and 39 have also been added herein and depend from claims 23, 31, and 1 respectively, which have been shown above to be patentable over the applied references. Further, Applicant respectfully submits that none of the applied references teach generating a new unique identifier for code coverage tasks which have been modified or added, while maintaining the unique identifier of all code coverage tasks which are unmodified, as claimed. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency and are also patentable for the unique features recited therein. Therefore, respectfully requests that these claims be allowed.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 09/990,802

Attorney Docket No.: CA1259/  
SVL920010003US1

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/142133

**46159**

CUSTOMER NUMBER

Date: March 10, 2009

/Michael C. Jones/  
Michael C. Jones  
Registration No. 63,266